

## **REMARKS**

Careful consideration has been given to the Official Action of October 23, 2006 and reconsideration of the application is respectfully requested.

Claim 1 has been amended to incorporate claims 2 and 3, which have been canceled.

Claims 4 and 6 have been amended to distinguish more clearly over the cited references.

The claims have been amended to be in better form for allowance.

Claims 8 has been added. The new claims are supported by the original application.

Therefore, claims 1, 4-8 are now presented for the Examiner's consideration and are clearly distinguished from the cited references as will be discussed hereafter.

Claims 1 and 4 stand rejected by the Examiner under 35 USC 102(b) as being allegedly anticipated by Morohoshi (JP 2002-267054).

Claims 1, and 4-7 stand rejected by the Examiner under 35 USC 102(b) as being allegedly clearly anticipated by Ito (EP 1223030).

Claims 1, and 4-7 stand rejected by the Examiner under 35 USC 102(e) as being

allegedly anticipated by Ito (US 2003/0098085).

Claims 1, and 4-7 stand rejected by the Examiner under 35 USC 102(e) as being allegedly anticipated by Nishi (US 6,655,414).

Claims 1, and 4-7 stand rejected by the Examiner under 35 USC 102 (e) as being allegedly anticipated by Nishi (US 6,604,551).

Claims 1, and 4-7 stand rejected by the Examiner under 35 USC 102 (b) as being anticipated by Nishino (US 6,089,278).

The Examiner's rejection of the claims will be traversed, in turn, hereafter.

The claimed invention is directed to a multilayer tube having at least two low-permeability resin layers.

Claim 1 recites that each of the low-permeability resin layers is an ethylene tetrafluoroethylene resin (ETFE resin), a liquid crystallized polymer (LCP), a polyphenylene sulfide resin (PPS resin), an ethylene-vinyl alcohol resin (EVOH resin) or a polybutylene naphthalate resin (PBN resin) and that one of the low-permeability resin layers is formed of a mixed resin prepared by mixing powder of one of thermoplastic resins including ethylene tetrafluoroethylene resins (ETFE resins), liquid crystallized polymers (LCPs), polyphenylene sulfide resins (PPS resins), ethylene-vinyl alcohol resins (EVOH resins) and polybutylene

naphthalate resins (PBN resins), and another one of those thermoplastic resins.

Claim 3, which has been incorporated into claim 1, was rejected on the basis of Ito (085) and Nishino (278) only. However, neither of those two references teaches or suggests that one of the low-permeability layers is formed of a mixed resin prepared by mixing a first thermoplastic resin with another thermoplastic resin. Indeed, Ito (085) is silent in this respect. Although Nishino (278) discloses that the adhesive layers may be mixtures of various resins, Nishino (278) does not teach or suggest that one of the low-permeability layers is formed of a mixture of thermoplastic materials.

While the Examiner contends that “it is immaterial what method of mixing is used to arrive at the final product in an article claim...”, the references must disclose each and every element of the claim in order to serve as basis for rejection under 35 USC 102. Since neither Ito (085) nor Nishino (278) teaches or suggests that one of the low-permeability layers is a mixture of thermoplastic resins, claim 1 as now presented is clearly distinguished over the cited references.

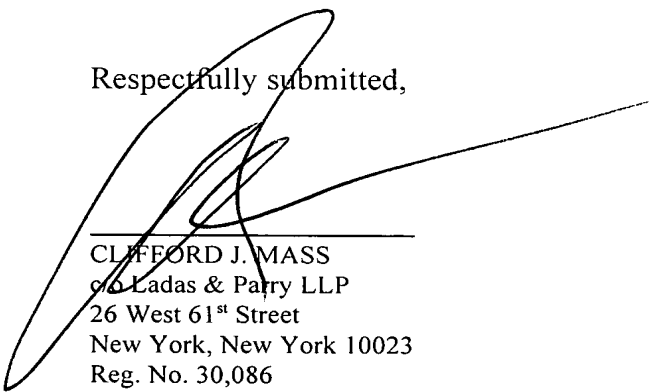
Furthermore, neither Ito (085) nor Nishino (278) teaches or suggests that one of the low-permeability layers may be formed by a liquid crystallized polymer (LCP), or that one of the mixture of thermoplastic resins may include a liquid crystallized polymer.

With respect to claims 4, 6, and 8, it is noted that none of the references teaches or suggests that one of the low-permeability resins includes a liquid crystallized polymer (LCP).

Claims 5 and 7 are dependent upon claims 4 and 1, respectively, and are thus clearly distinguished from the cited references for at least the reasons discussed for claims 4 and 1.

In view of the above action and comments, it is respectfully submitted that each of the Examiner's rejections has been dealt with, and favorable reconsideration of the application as amended is earnestly solicited.

Respectfully submitted,



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